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JUN 26 2008

In re Application of :  
Baur et al. :  
Application No. 08/627386 :  
Filing or 371(c) Date: 04/04/1996 :  
Attorney Docket Number: :  
MERCK-1753-D : **ON PETITION**

**OFFICE OF PETITIONS**

This is a decision on the "Request for Withdrawal of Improper Holding of Abandonment, filed April 24, 2008. The request is properly treated as a petition under 37 C.F.R. 1.181.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 15, 2007. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on August 16, 2007. A Notice of Abandonment was mailed April 16, 2008.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2871 for re-mailing of the Office action and re-setting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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